IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 13406 of 2004

Between:

1.Veguru Narayanaiah, S/o Chinnaiah,
R/o Mudivarthi Village, Vidavaluru Mandal, Nellore District
2. Smt.Veguru Polamma, W/o Narayanaiah,
R/o Mudivarthi Village, Vidavaluru Mandal, Nellore District

... PETITIONERS.

AND

1. The District Collector, Nellore District, Nellore
2. The Joint Collector cum Chairman, District Level Screening Committee, Nellore.
3. The Revenue Divisional Officer, Kavali, Nellore District
4. The Mandal Revenue Officer, Vidavaluru Mandal, Nellore District.
5. The Executive Engineer, Pollution Control Board, A.K.Nagar, Nellore.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction, order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the respondents 2 & 4 in issuing proceedings No.3266/BWS/97 dated 12-7-2004 and Rc.234/2003 dated 21-07-2004 respectively as arbitrary, mala fide, discriminatory and violative of principles of natural justice and consequently set-aside the same in the interest of justice.

Counsel for the Petitioner: Mr.CH.B.R.P. SEKHAR

Counsel for the Respondents 1to 4: GP FOR REVENUE

Counsel for Respondent No.5: Mr.S.V.Bhatt, SC.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Petitioners challenged the proceedings dated: 21.7.2004 issued by the Mandal Revenue Officer, Vidavalur, Nellore District basing on the proceedings of the Joint Collector, dated: 12.7.2004, directing stoppage of aqua-culture in the lands of petitioners in Survey Nos. 361 and 358/B on the ground that water is likely to adversely affect the adjoining fields since water consists of high pH and High Chloride contents, as also, high SAR.

There is hardly any ground made out in the petition to question the legality and validity of such proceedings issued by the Mandal Revenue Officer and the Joint Collector based on the report of the Agriculture Department expressing their expert opinion on the likely damage to be caused to the adjoining fields.

Learned counsel for the petitioners submits that petitioners have already undertaken the prawn culture and it is two months old, and, they may be permitted to continue. Such a prayer cannot be allowed in favour of persons who take law into their hands by resorting to prawn culture without taking prior permission from the competent authority, which is a *sine qua non*. The Writ Petition, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

05.08.2004.

VR _____

C.V.RAMULU, J.

To

1. The District Collector, Nellore District, Nellore.
2. The Joint Collector-cum-Chairman, District Level Screening Committee, Nellore.
3. The Revenue Divisional Officer, Kavali, Nellore District.
4. The Mandal Revenue Officer, Vidavaluru Mandal, Nellore District.
5. The Executive Engineer, Pollution Control Board, A.K.Nagar, Nellore.

6. Two CCs to Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.